

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7737 of 2005

Between:

Y. Venkata Rao, S/o. Late-Seshaiah, D.No. 20/21,
Bharat Nagar, Prahaladapuram, Visakhapatnam-27.

..... PETITIONER

AND

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1 The Station House Officer, Pentapadu (P.S), Pentapadu

Mandal, W.G.District.

2 The Depot Manager, APSRTC, Gajuwaka,

Visakhapatnam.

3 The Regional Manager, DBS Complex, APSRTC,

Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue to Writ, Order or direction more particularly one in the nature of Writ of Mandamus to direct the respondents No.2 and 3 in not releasing the service benefits as illegal, as arbitrary un-constitutional and agaিসnt the principle of natural justice for the period 1990 to 2003.

Counsel for the Petitioner: MR.B.V.RAM NARESH KUMAR

Counsel for Respondent No.1: G.P. for Home

Counsel for Respondent Nos.2 & 3: KUM.B.G.UMA DEVI

The Court at the admission stage made the following :

ORDER:

Challenging the action of the respondent in not releasing the service benefits for the

period 1990 to 2003, the petitioner filed the present writ petition.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents 2 and 3.

As per the proceedings of the APSRTC dated 15-2-2005 it is clear that attachment order was passed by the executing court in E.P.No.1224 of 2002 and the attachment amount was also recovered. The attachment amount towards E.P.No.3/03 in O.S.No.2323/2000 is still pending. Therefore it is not in a position to release the amount.

Therefore the remedy of the petitioner is to seek appropriate directions from the executing court to raise the attachment. But it is not the case that the respondents are withholding the service benefits without any case or reason.

The Writ Petition is accordingly disposed of. No costs.

K.C. Bhanu, J.

8th April 2005

js.

To

1 The Station House Officer, Pentapadu (P.S), Pentapadu

Mandal, W.G.District.

2 The Depot Manager, APSRTC, Gajuwaka,

Visakhapatnam.

3 The Regional Manager, DBS Complex, APSRTC,

Visakhapatnam.

4 Two CCs. to G.P. for Home, High Court Buildings, Hyderabad.

5 2 CD copies.